

If thou would'st read a lesson that will keep Thy heart from fainting and thy soul from sleep, Go to the woods and hills. — Longfellow.

Vol. 24, No. 52

Marlinton, Pocahontas Co., West Virginia, August 2, 1906

\$1.00 A Year

THE FISH AND THE LAW

Paper by Andrew Price. Read before the American Fisheries Society at Grand Rapids, Michigan

The fish has had to do with the law ever since King John met the Barons at Runnymede to frame the Magna Charta with no body to represent the common people as usual. There in the meadow on the south bank of the Thames River, they first brought the fish into consideration and guarded against the King's encroachment in the following well chosen words: "Nulla ripariae defensionis de ceatere," etc., language so plain that any justice of the peace might not err in reading it. The Magna Charta insured to the fish the free passage of fish and cleared the rivers of obstructions except those placed there not later than the reign of Henry II.

From that time on the fish has been a fruitful theme of legislation as well as a subject for the chancellor to exercise his knowledge of equity. Learned judges have decided after grave deliberation that the oyster was a fish and that he was wild by nature.

In Virginia, the oyster has long been the ward of the legislature and attitude of the statesman's home can be accurately judged by his attitude on the oyster question. In that State the land rises from the tidewater region by well defined steps to the mountain heights, and the Lowlanders send their silver-tongued representatives full of hot air to defend the common people's rights to take oysters and open the disposition the Highlanders have to pay off the State debt by farming out the oyster beds. High finance and the oyster go hand in hand in Virginia, so they do.

It is related that one time Sherlock Holmer visited the house of delegates, putting his friend, the astute Dr. Watson, looking for a watch charm, a European sovereign had missed one morning. His remarks were powers of deduction are well known, and his attention was called to the member who was on his feet speaking. Said Sherlock Holmes, "That is an old Confederate soldier, he is a widower, and wishes to marry, he is a farmer and lives in the mountains."

Dr. Watson gasped and trotted over to the doorkeeper to verify the statement. The doorkeeper informed him that the member was an old rebel from the mountains who had lost his wife at the beginning of the secession.

That evening at the hotel when the two friends were resting from their labors, having recovered the watch charm from the Sergeant at Arms of the Senate who claimed to have won it at cards from his majesty. Dr. Watson had assumed his favorite place on the floor with the great detective's feet on his head. He asked that genius to explain how he had succeeded so well in ascertaining so much of the stranger when it was all a mystery to him.

"Very simple," said the great detective; "I saw that he had lost a leg and from his age I knew that he would have been a soldier in the civil war, and whether he lost his leg in battle or not, I knew he would claim that he had so that made him a veteran. I knew he was a Confederate, otherwise he would not be in the Virginia legislature. I knew that he was a widower by the fact that he was dyed his whiskers, and all widowers wish to marry. I further knew he was from the mountains because he was not in sympathy with the oyster. His name is Colonel Johnston Doolittle." "How could you tell that?"

"I asked the doorkeeper," replied the great detective with one of those merry laughs in which he indulged once in every ten years, in his methodical way.

West Virginia cut loose from the old State while the Mother State's attention was otherwise engaged, and while we had no oysters to be tucked into bed every night we shortly began to tinker with the game and fish laws.

related to the chasing of deer by dogs in Webster County. It provided that if any dog indulged in chasing deer in Webster County, that such dog should be "arrested" and brought before a justice of the peace upon the charge. While it does not say it in so many words, yet the law plainly contemplates that is the dog stands mute a plea of "not guilty" is to be entered for him. Whether he was entitled to a jury is still an open question. Upon conviction the sentence of death was to be formally passed upon the dog, and he was to be executed by the high constable of Webster County for which a fee of fifty cents was to be paid out of the public treasury.

The compiler of the Statutes of 1869 indexes the law as "Sad fate of Dogs in Webster County."

We can imagine an erring hound being led to the bar for a capital offense with the look of injured innocence that a dorky ass who has inadvertently voted the Democratic ticket while drunk. Then comes the trial, and the sentence of death. The prisoner is calm and impassive and does not seem to realize the severity of the sentence nor shrink from his impending doom. He is apparently the calmest in the audience and hears the dread words without moving a muscle. With his indifference in a fine state of repair he leaves the court house and is taken to the place of execution.

The dog law has long been repeated. The sympathetic clerk who bemoaned the "Sad fate" of the dogs has gone to his reward.

The game fishes, bass and trout, are common in the mountain streams of my State which are showing the good effects of the local hatchery at the White Sulphur Springs, maintained by the Federal Government.

These game fishes which do "dumb mad" at the end of a line before being conquered constitute a great boon and solace to those of whose lives are cast in the mountain countries. While our object is to destroy, yet many of us have been concerned in the efforts to give the fish the best protection that the law can afford. This we fear is inadequate.

We regret to confess before this body of men, to whom the life and health of a fish is sacred, that we destroy while you propagate. In a literal sense, "we take up that which we laid not down, and reap that which we did not sow."

About a dozen years ago, however, one of the gang got himself elected to the State Senate, and we set to work to make a model game and fish law, one that would do some real good. Among other things this law was to be noted for its originality, so we immediately sent for a compendium of all the game laws of the various states from which we gathered our original ideas. We worked on it more or less from the date of the election to the meeting of the legislature, and when it was properly drawn and framed it was a thing of beauty.

As I remember, the Senator was sure that the bill would go through without change, but he little knew of the versatility of the average legislator and his battle-axe. When that bill got through both houses and was signed by the Governor, its own father did not know it, and has disowned it ever since. Statesmen who did not know a fish from a fanatic, changed and added to its text and mutilated it. It is the present inefficient law of West Virginia.

The first jolt it got was when its author had ably explained its beauties and utilities by means of a three hours speech in the Senate, the champion poker-player of the State arose and said that he would oppose any law against catching snuckers. There seemed to be a hidden meaning somewhere and undue levity in his remarks, sadly out of place in so grave a debate.

It was this legislature of sportsmen that prohibited the taking any mountain trout less than four inches long, which is the limit fixed by the law at this date, by which all medium sized fish must

be returned to the waters. Our trout fishermen carry delicate rules, and great is their joy when they find that a trout exceeds four inches by ever so little. If it does they have the implied sanction of the legislature to keep it. This recalls the scales that some fishermen carry and the story that is going the rounds of them weighing the new born baby. No scales being found in the house, the poor little baby was weighed on them and found to weigh forty pounds.

An old farmer in Virginia had a small pond stocked with fine trout and he suspected a certain worthless neighbor of trespassing on his preserves. He watched the pond one moonlight night and saw his neighbor pulling out trout on a line baited with fishing worms. He took the liberty of filling his hide full of shot. The trespasser knew that he had been seen and recognized, so to establish an alibi walked and ran over thirty miles that night and at sun up next morning was seen by a citizen near Fishersville in another county.

He was arrested and brought to trial and the prisoner set up his alibi, and to strengthen his case, argued that it was impossible for him to have reached that point after the shooting. The prisoner's counsel proved that the prisoner was at Fishersville in the morning by the citizen of that town who had come upon him in the gray of the morning.

"Now what was the prisoner doing?"

"Object," shouted the prosecuting attorney, and then ensued a legal battle. The counsel for the defense insisting that he had a right to ask the question, the prosecuting attorney combatting the theory with all the logic at his command.

The judge got tired of it at length and said: "The question may or may not be important; I am tired of your arguments; I will not say whether the question is proper or not, but I will give the prisoner the benefit of the doubt. Go on and answer the question!"

"Well," said the witness, "He was picking shot out of himself with a pocket-knife."

West Virginia has been much maligned in regard to its game and fish laws and we fear it is true that we have neglected this important subject. In many places we have cut the timber and destroyed the fine forests. At other places we have through our greed, opened coal mines, and the wash has greatly disturbed the poor snucker and catfish. At other places tanneries will come in and locate on the bank of a stream and pollute the water more or less. Farmers will clear land along a stream and the wash from the farms will make the stream muddy. It is a grave question whether it is better to have more fish or less people, or more people and less fish.

As for me, I would ask for a "lodge in some vast wilderness, — some boundless continuity of shade!" I do not care to be crowded. A sporting gentleman from the North came down to my county last summer, and saw a lot of saw mills cutting lumber, and he went home and railed at us for destroying timber and making a living. He said we were worse than the Indians; that the Indians would not do this; that Indians had more regard for game and fish. Our reply to him was — that Indians did not do many things — did not wash before breakfast among others, and that we refused to be guided implicitly by them. Polluted streams follow civilization as a matter of course. It is a provision of nature for the cleansing of the country and the health of the people depend upon it. The best we can do is to keep the rivers pure as possible and recognize the fact that the presence of people on a stream will pollute it.

Probably the most effective protection the fish have are the ethics taught by the magazines devoted to outdoor sports. It is the belief that it is not only unlawful, but wrong to violate the game and fish laws. That it is something that the first families may not do, and which is considered to be low.

It was not long after dynamite was invented, until it was applied to killing fish in pools. In some sections of the country it becomes very common while in other places it was not considered to be good form to make up a dynamiting party and spend the day by the limpid stream. The law was ineffective, but where all the best people discouraged dynamiting, on the pain of loss of social status, dynamiting was not practiced. In my country we would not number on our list of friends, a man who would dynamite a pool for fish, and yet not a hundred miles away, all the F. F. V's are indulging in the nefarious pastime.

Probably every portion of the country is receiving their share of the overflow of Dagoes, sometimes called Italians, from the Southern part of Italy. These sportsmen run to dynamiting, and the killing of song birds with the chase, shot gun on Sunday. This ought to bring this pleasant pastime into disrepute.

One dago reaped what he had sown in my county. One winter day he crept upon a turkey buzzard sunning itself, and waiting on the digestion, and brought it down with a charge of small shot. He cooked it with garlic, and other sweet smelling herbs. Next day he nearly died. He said to the doctor who reached him "Sick at da bed; too much big object!"

We need laws to protect game and fish, but violations of these laws are crimes committed in solitude and are not effective as a deterrent to the sportsman. When poachers will in the risk of robbing carefully kept private game preserves, it is not strange that numbers of men will take the public game and fish, if not restrained by sportsmanship.

GIVEN JOLT ON HONEYMOON

Circumstances Caused Better Half of Pair to Ride Long Distance Without Hubby.

"One of the funniest things I have seen in all the time I've been on the road was the separation of a newly married couple by the breaking of a train on the way down to St. Louis a while ago," said a Chicago traveling man.

"We were going down on the Alton road and shortly before we got to Springfield the inferior half of the newly wedded pair strolled into the smoker. Flopping himself into a seat across the aisle from me, he commenced to praise the innumerable virtues of his wife.

"She was the finest little woman in the world, the cleverest, the handsomest, the best-dressed and so on. And then he had to tell what they were going to do when they got to St. Louis. He became so excited during the narration of his story that he talked considerably louder than was necessary, and every one in the car knew all about the woman back in the parlor car. He never heard the brakeman announce that the train was to be broken at Springfield and proceed to St. Louis in two sections. No one had the heart to tell him. And the little woman back in the train thought all was well.

"Shortly after we left Springfield, Mr. Benedict ambled back toward the rear of the train in a leisurely manner, but when he discovered that the last half of the train was some miles behind there was something doing. He was thoroughly angry and stormed around, doing all sorts of unnecessary talking. He threatened to bring a damage suit against the railroad company, or to beat the head of the conductor and all the road officials. No one could pacify him. When we stopped at the next station the conductor wired the bride on the following train that her hubby would wait for her at Alton.

INSTITUTE PROGRAMME

Marlinton, Monday, August 6, 1906

MONDAY MORNING.
Opening Devotional Exercises; Enrollment; Organization of the Institute; Appointment of secretaries, reporters, and committees; assignment of seats, etc.; Short addresses by the Instructors and County Superintendent; Announcements as to boarding places, evening entertainments, special lectures etc.

MONDAY AFTERNOON.
Music, Announcements, Etc.; The Teacher's Legal Duties; 1—Damage of a Broken Contract; 2—Monthly and Term Reports; 3—Membership; 3—Correct Examination; 4—Institute Perquisites; 5—Legal holidays; 6—School should not be taught on Saturday; Reading—Primary; 1—Importance of Reading; 2—Methods of Teaching Beginners; 3—Material for Use; 4—Phonics; 5—Supplementary Reading; Instruction; The Graded Course of Study; Plan and Scope; Its application to district schools; The use of the Manual; Modifications in the course outlined; The Annual Graded Sheet; Where do you find it? What use do you make of it? How do you fit it out? What improvements should be made on it? Classification and Promotions; When and how do you promote the pupils of your school? How do you determine the classification at the close of the term? Have you used the Promotion Certificates provided by the Department of Schools?

MONDAY EVENING.
Social Session.

TUESDAY MORNING.
Opening Exercises; Arithmetic—Fractions; 1—Reduction; 2—Multiplication; 3—Division; Letter Writing; 1—Stationery; 2—Forms; 3—Capitalization and Titles; 4—General Rules and Language; Language Lessons and Grammar; 1—The construction of sentences; subjects, predicates; illustrative exercises; 2—Modifiers, participial and others; 3—Connectives, function, kinds, etc.; 4—The use of the participle, the infinitive and the preposition in condensed and concise language; Recess; Office; 1—District officers terms, duties, salaries, etc; 2—County officers, terms, duties, salaries, etc; 3—State officers, terms, duties, salaries, etc; 4—The two Houses of Congress—how and when chosen; 5—The Supreme Court; Round Table; 1—School Gardens—What can we do in that line? 2—Elementary Agriculture in the public schools; 3—What about manual training? Noon Intermission.

TUESDAY AFTERNOON.
Music; History—Preliminary Work; 1—Myths and Legends; 2—Stories and Incidents; 3—Simple Biography, Psychology; 1—Attention—What it is; 2—Passive Attention; 3—Active Attention; 4—How to cultivate and secure attention; 5—Value; Recess; Reading Intermediate; 1—Vocabulary; 2—Skill in recognition of words, phrases, and sentences; 3—How should the lesson be prepared? Geography—First ideas of geography; 1—How and when taught; 2—Whatsaids—books, pictures, objects, etc; 3—Observation work; Appointment by the County Superintendent of a committee from each district to nominate officers and arrange for the district institutes and for the Reading Circle work for next year.

TUESDAY EVENING.
Opening Exercises; Arithmetic—Decimal Fractions; 1—What are decimals; numerator; denominator; 2—Reading and Writing of Decimals; 3—Explain the rule of multiplying decimals, Illustrative problems; Decoration of the School Rooms; 1—Useful and ornamental; 2—Pictures, number, kind and cost; 3—Flowers, casts and collections; 4—The flag of our country, when and how to be used; Pronunciation; 1—Authorities; 2—Rules; 3—Drill on twenty five

words frequently mispronounced; 4—Announce a list of twenty-five words to be spelled by the Institute; Recess; Paper, B. F. E. Woodell; Review of "Geographic Influences in American History."—A Teacher Round Table; How is the law requiring special instruction in our schools as to the effect of alcohol and narcotics being complied with? What is being done to save our boys from the cigarette habit? Noon.

WEDNESDAY AFTERNOON.
Music, Quotations, Etc; History; 1—The use that should be made of the text book; 2—Original work by the teacher; 3—Methods of instruction; 4—Methods of conducting the recitation; Reading—Advanced; Lesson on Kipling's Recessional; On what occasion was this poem written? Where did Kipling write it? What was the "dominion" to which he referred? What allusions to history are found in the poem? What allusions to the scriptures? What special fitness is the title of the poem? What is the mental picture outlined in the first two lines of the third stanza? In what does the power of the poem consist? Read the poem aloud two or three times, with expression; Recess; Geography; A study of the geography of industries and population; No great inland cities. Why? The effect of industries on mind and spirit; Current Events; The San Francisco earthquake and fire; Eruption of Vesuvius; The Jamestown Exposition—How shall West Virginia be represented? The Panama Canal, cost, control, use, names of commission, etc.

WEDNESDAY EVENING.
Musical and Literary Entertainment.

THURSDAY MORNING.
School Officers Day—Music and Devotional Exercises; Co operation and sympathy Between Teachers and School Officers; Short talk by Instructor and County Superintendent each; Good Attendance; What it means to the school and what School Officers can do to help secure it; Round Table Discussion; What authority have boards of education or trustees to grant the use of school houses for other than school purposes? How far should school houses be used for religious purposes? If pupils and teachers buy books for the school libraries, should not the board of education provide a good case with lock and key in which to keep the books? Recess. School House Architecture; 1—Selection of site; 2—Size and shape of building; 3—Foundation and heating; 4—Light and ventilation; The School Improvement League; Reports of work accomplished this year; Plans and organization for next year; Election of Officers; Noon.

THURSDAY AFTERNOON.
Singing, Memory Gems, etc; Reports on Library and Arbor Day Work; Friday, December 7, will be Library Day for 1906; The Consolidation of Schools; 1—Experience in other states; 2—Relative cost; 3—Advantages; 4—The relation of good roads to good schools; Round Table; The compulsory attendance law; Duty of boards of education to appoint truant officers; Shall we have free text books? The Uniform Examination system—What has been its effect upon our schools? Recess. High Schools—County and District; Legal steps to establish them; What shall be the course of study? Their relation to the Normal Schools and the University; The General School Fund; Derived from five sources. What are they? How is the fund distributed? How much per capita last year? How much this? The District Levy; What rate is necessary this year? What limitations on the rate for the building fund? Why not make the county the unit of taxation for minimum term at least?

THURSDAY EVENING.
Lecture and Educational Rally.

FRIDAY MORNING.
Each district meets to organize for the year's Reading Circle

work; Singing—Devotional Exercises; 1—General principles; 2—Relations to fractions; 3—Application to practical problems. Manners—Kindness and courtesy in conduct; Disciplinary effect in school; Adding strength to character and influence to work; Manners as shown in travel, at church, on the street, at the table, in conversation, in the school room; Discussions; The relation of West Virginia University to the educational work of the state. Our Normal Schools; The "Summer Normal." The District Institute and the Reading Circles; Recess; The Geology of West Virginia; Reports, maps and charts issued by the State Geologist, Dr. I. O. White; Coal, Oil and Gas areas; Lays, limestones and cements; Round Table; Noon.

FRIDAY AFTERNOON.
Paper on "Common Sense Dictation"—H. A. Walton; Paper on "Best things from School Sanitation and Daccration"—Miss Anna Lee Ervine; The Public Schools and Good Citizenship—an address by Instructor of Public Speakers; Discussion; Papers, discussions and resolutions at the meeting of the Educational Association held at Fairmont, June 25-27; Reports of Committee; Announcements; Adjournment.

Trustees Sale of Personal Property.
In pursuance of a deed of trust executed by Mrs. M. B. Brison and H. J. Briscoe to L. M. McClintic, trustee, dated January 1, 1906, and recorded in the Clerk's Office of the County Court of Pocahontas County, in Trust Book No. 3, at page 478, in pursuance to William Geiger, administrator of John A. Geiger, the sum of \$385.55 with interest from the date of the death of the said John A. Geiger, and the costs of executing this trust.

I will on Saturday the 25th day of August 1906, at one o'clock of that day, at the front door of the Court-house of Pocahontas County, sell at public auction, to the highest bidder, for cash the following personal property: One 25 H.P. Cornish Boiler; One 25 H. P. Ajax Engine; One No. 3 Peerless Saw-mill and all the fixtures used in operating said saw-mill. Said property is located at Stony Bottom, in Pocahontas County, West Virginia.

L. M. McClintic, Trustee.

The two Democratic candidates for House of Delegates, Wysong and Huff, have withdrawn and it is now up to the Executive Committee to choose a man and some definite action will be taken in the matter tonight (Thursday). Several names have been mentioned but we have been informed that J. W. Woodell, manager of the New Webster Springs Hotel will most likely be chosen and pitted against the man to be chosen by the Republicans of the county.

Later: J. W. Woodell was the choice of the Committee, as there was no other name presented. —Webster Republican.

Mrs. H. P. Patterson has been numbered with the sick for a week or more, but is now much improved.

Mr. J. O. Boggs, of Pocahontas, is visiting his daughter, Mrs. R. B. Campbell.

Casey's Revenge

There were addened hearts in Mudville for a week or even more; There were muttered oaths and curses—every fan in town was sore.

"Just think," said one, "how soft it looked with Casey at the bat! And then to think he'd go and spring a bush league trick like that."

All his past fame was forgotten; he was now a hopeless "chick." They called him "Strike-out Casey" from the mayor down the line.

And as he came to bat each day his bosom heaved a sigh; While a look of hopeless fury alone in mighty Casey's eye.

The lane is long, some one has said, that never turns again; And Fate, though fickle, often gives another chance to men.

And Casey smiled—his rugged face no longer wore a frown; The pitcher who had started all the trouble came to town.

All Mudville had assembled, ten thousand fans had come; To see the twister who had put big Casey on the bum;

And when he stepped into the box the multitude went wild; He doffed his cap in proud disdain—but Casey only smiled.

"Play ball!" the umpire's voice rang out, and then the game began; But in that throng of thousands there was not a single fan who thought Mudville had a chance; and with the setting sun the hopes sank low—the rival team was leading "four to one."

The last half of the ninth came round, with no change in the score; But when the first man up hit safe the crowd began to roar.

The din increased, the echo of ten thousand shouts was heard; When the pitcher hit the second and gave "four balls" to the third.

Three men on base—nobody out—three runs to tie the game! A triple meant the highest niche in Mudville's hall of fame; But here the rally ended and the gloom was deep as night.

When the fourth one "fouled to catcher" and the fifth "flew out to right," A dismal groan in chorus came—a scowl was on each face—When Casey walked up, bat in hand, and slowly took his place; His bloodshot eyes in fury gleamed; his teeth were clinched in hate;

He gave his cap a vicious hook and pounded on the plate. But fame is fleeting as the wind, and glory fades away; There were no wild and woolly cheers, no glad acclaim this day.

They hissed and groaned and hooted as they clamored, "Strike him out!" But Casey gave no outward sign that he had heard this shout. The pitcher smiled and cut one loose; across the plate it spread; Another hiss, another groan—"Strike one!" the umpire said.

Zip! Like a shot, the second curve broke just below his knee—"Strike two!" the umpire roared aloud; but Casey made no plea, no roasting for the umpire now—he was an easy lot.

But here the pitcher whirled again—was that a rifle shot? A whack! a crack! and out through space the leather pellet flew—A blot against the distant sky, a speck against the blue.

Above the fence in center field, in rapid whirling flight The sphere sailed on; the blot grew dim and then was lost to sight.

Ten thousand hats were thrown in air, ten thousand throats were fit; But no one ever found the ball that mighty Casey hit! Oh, somewhere in this favored land dark clouds may hide the sun, And somewhere bands no longer play and children have no fun; And somewhere over blighted lives there hangs a heavy pall; But Mudville hearts are happy now—for Casey hit the ball!

—Exchange.